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TO: Members of the House Commerce Committee

RE: House Bills 4024 and 4026

Thank you for the opportunity to provide written comment on this important issue. I apologize that I am unable to attend committee in person today.

Due to the current volatility in the agriculture labor marketplace, which was displayed with the experience in the asparagus industry over the past few weeks, Michigan Farm Bureau opposes House Bills 4024 and 4026 at this time.

The data is still being compiled, however early indications are that despite near-record prices and significantly reduced asparagus acreage, there was a significant portion of the crop that could not be harvested due to a lack of available hand harvest labor. These developments have occurred over the past few weeks and have forced Michigan Farm Bureau to re-evaluate its ability to support this legislation.

The asparagus industry is typically an early indicator of the labor supply that will be available for other labor-intensive crops later in the season, and growers statewide are very concerned there will be inadequate labor this year. Moving legislation containing E-Verify mandates at this time, even legislation that does not require agriculture to E-Verify, will send a negative signal to potential migrant workers who will choose to seek employment in other states.

As an example of how quickly word spreads within the migrant worker community, within the last month, Georgia implemented several new legislative initiatives regarding immigration enforcement including an E-Verify mandate. This legislation was passed in the middle of the growing season, resulting in significant agriculture worker shortages in that state. Georgia Governor Nathan Deal released data this week indicating Georgia farmers currently have 11,080 jobs open, and the state is looking to individuals on criminal probation to work in fruit and vegetable harvest positions. Farm Bureau is concerned that this could happen in Michigan, and given the labor shortages already on record and sizeable fruit and vegetable crops anticipated this year, we must avoid making the problem much worse. As we have learned from the Georgia experience, enacting E-verify type legislation, or even the public discussions about enacting such legislation, will cause a shortage of harvest workers right here in Michigan at the worst possible time for our specialty crop farmers who depend on hand harvest seasonal labor. Attached is additional information on the situation in Georgia and how agriculture labor has been affected by these very issues.

Farm Bureau has worked with Rep. Agema on his legislation and he has been clear that his bills are not intended to affect agriculture with any new E-Verify requirements. He has in fact incorporated suggestions offered by Farm Bureau to achieve that objective. Unfortunately it is not our concern with the technical aspects of the bill, but the unintended effects on labor recruitment that have forced Farm Bureau to oppose these bills at this time. Because of the experience in the asparagus industry, and the warning signs that other states show us, Farm Bureau has taken a position based on how the issue will affect the willingness of workers to travel into Michigan this year. It is regrettable that these developments occurred so quickly and have not allowed for the exploration of possible solutions, however Farm Bureau must respond to the reality that faces agriculture at this moment.

Thank you for considering Farm Bureau's position in this legislation.

Sincerely,

Robert S. Anderson
Legislative Counsel

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Governor asks state to probe farm labor shortages

By Jeremy Redmon
The Atlanta Journal-Constitution

7:12 p.m. Friday, May 27, 2011

State officials confirmed Friday that they have started investigating the scope of Georgia's agricultural labor shortages following complaints that the state's new immigration enforcement law is scaring away migrant farmworkers.

Gov. Nathan Deal asked for the investigation Thursday in a letter to Agriculture Commissioner Gary Black. Deal wants Black's department to survey farmers about the impact Georgia's immigration law, House Bill 87, is having on their industry and report findings by June 10.

The labor shortages have sent farmers scrambling to find other workers for their fall harvests. Others are making hard choices about leaving some fruits and vegetables to wilt on their fields.

Proponents of HB 87 say people who are in the country legally have nothing to worry about concerning the new law. They hope the law that takes effect July 1 will deter illegal immigrants from coming here and burdening the state's taxpayer-funded public schools, hospitals and jails.

The Georgia Fruit and Vegetable Growers Association has estimated the labor shortages afflicting South Georgia counties could put as much as \$300 million in crops at risk. But the full extent of the damage won't be known until after July, when farmers have finished harvesting their summer crops, including blueberries, watermelons and sweet corn, said Charles Hall, the association's executive director. When that damage is tabulated, Hall said, it will help farmers decide whether they should plant less for future harvests.

Farmers say the Hispanic migrant workers they depend on to pick their fruits and vegetables are bypassing Georgia to work in other states. The workers are concerned they will be harassed or jailed here following the passage of HB 87, the farmers said.

Bill Brim said between 75 and 100 Hispanic workers he depends on didn't show up for work this year at his 4,500-acre farm in Tifton, causing him to lose some of his vegetable harvests. Now Brim, who raises cucumbers, eggplant, squash tomatoes, watermelon and other fruits and vegetables, is considering cutting back on production and building more houses to shelter laborers he could get through a federal guest-worker program he already participates in.

"We have to pick and choose what we pick," said Brim, a board member and past president of the Georgia Fruit and Vegetable Growers Association. "We have to skip over fields, not just because of labor but because of dry weather, too."

Deal wrote Thursday in a letter to Black that "many farmers have raised concerns about the availability of an adequate, stable workforce for Georgia's production agricultural industry."

"Knowing the strong demand for farm labor will continue through the summer months, I request that you assess how this legislation is impacting agricultural operations," he wrote in the letter, according to a copy obtained by The Atlanta Journal-Constitution.

The governor's office provided the AJC with access to an electronic survey the state is using to measure the extent of the labor shortage. The survey doesn't mention HB 87, but it does ask farmers how many more workers they need, how long they will need them, what they would pay per hour, and what they are doing to recruit employees.

Deal signed HB 87 into law this month. Partly patterned after a law Arizona adopted last year, Georgia's measure empowers police to investigate the immigration status of certain suspects. And it penalizes people who transport or harbor illegal immigrants or encourage them to come here.

Asked to what extent this new law is causing the labor shortage, a spokesman for Deal said the governor supports federal guest-worker programs that allow farmers to legally bring noncitizens here to do seasonal farm work.

"We have always said we don't make federal laws, but we are subject to them," said Brian Robinson, a spokesman for Deal. "Before HB 87, it was illegal to hire someone who was in the country illegally."

Black was not available for comment Friday. But his spokesman, Arty Schronce, said the commissioner did not want to speculate on what is causing the labor shortages. Schronce said his agency is willing to help publicize state job fairs and is encouraging farmers to share their job listings with the state Labor Department.

"We are focused on trying to find a solution," Schronce said.

Black and Labor Commissioner Mark Butler were considering issuing a joint statement about the labor shortage, but there are no plans to do that now, Schronce said, because the problem has been reported in the news media.

Butler issued a statement Friday saying his and Black's agencies are "working together to provide the workforce where needed to the agribusiness community." Asked for specifics, Labor Department spokesman Sam Hall said: "We are still determining what we are going to do. ... It will depend on what the necessity is." Hall said Butler does not have enough information yet to determine to what extent HB 87 is impacting farm labor.



Jason Berry, the farm manager at Blueberry Farms of Georgia in Baxley, said a third of the 120 workers who were needed to pick highbush blueberries this spring did not show up for work even after the farm offered \$50 signing bonuses. The farm also offered weekly \$25 bonuses to people just for showing up for work.

Most of those who didn't show up for work are Mexican and Guatemalan migrant workers who were fearful of the climate produced by HB 87 in Georgia, Berry said. The farm lost about 10 percent of its spring blueberry crop because of the labor shortage, Berry estimated.

"There is so much fear stricken into all of these people that a lot of them refused to come to Georgia," Berry said. "They were inferring that because that law was passed immigration [agents were] going to be after them hard this year. They would think they could possibly get deported."

Staff writer Matt Kempner contributed to this article.

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State survey : 11,080 farm jobs unfilled

Governor suggest putting people on criminal probation to work

By Jeremy Redmon
The Atlanta Journal-Constitution

7:30 p.m. Tuesday, June 14, 2011

Gov. Nathan Deal on Tuesday offered what he called a "partial solution" to Georgia's farm labor shortage: put people on criminal probation to work picking fruits and vegetables in South Georgia.

The Republican governor's idea is drawing concern from the head of the American Probation and Parole Association and getting mixed reviews from farmers and their organizations, who have complained that a new immigration law was scaring away migrant farmworkers they need.

Deal outlined his proposal the same day his office released the results of a state survey of farmers showing they have 11,080 jobs open, which is about 14 percent of the full-time positions that are filled annually. Deal asked for the survey last month.

None of the survey questions, however, mentioned the immigration law, House Bill 87, and the survey results don't indicate what could be causing the labor shortage. Deal didn't mention the law in a prepared statement his office issued about the survey results Tuesday. And Republican Agriculture Commissioner Gary Black, whose agency conducted the survey, didn't mention the law's impact on the farm labor shortage in a letter he sent with the survey results to the governor Friday.

The labor shortage is potentially putting hundreds of millions of dollars in crops at risk, say state agricultural industry leaders.

Proponents of HB 87 say they hope the law, which is scheduled to take effect July 1, will deter illegal immigrants from coming here and burdening the state's taxpayer-funded public schools, hospitals and jails.

State officials, meanwhile, said they don't have any figures to compare today's farm labor shortages with what was going on in Georgia's \$69 billion industry the same time last year. But having 11,080 open farming jobs is a cause for concern, given that Georgia food and fiber farmers produce 81,000 full-time equivalent positions annually, said John McKissick, who teaches and researches agricultural economics for the University of Georgia.

Farmers have been warning this problem could reach metro Atlanta as the labor gap could boost prices in local grocery stores. And some say the trouble with finding farmworkers could be a harbinger of shortages in other metro Atlanta industries that depend on Hispanic workers. That could drive up costs for construction work, restaurants, tourist spots and landscaping.

Also on Tuesday, the state filed a motion to dismiss a federal class-action lawsuit civil liberties and immigrant rights groups filed this month to block the enforcement of Georgia's new immigration law. The plaintiffs in the lawsuit argue the law is pre-empted by federal law and is unconstitutional. State lawmakers deny those arguments, saying they crafted the law so it would withstand court challenges.

As for filling the farm labor gap, Deal said in a statement Tuesday that there are 2,000 unemployed probationers in southwest Georgia who might be able to help.

"I believe this would be a great partial solution to our current status as we continue to move towards sustainable results with the legal options available," Deal said.

State law allows the court to require that as a condition of probation in Georgia, people "work faithfully at suitable employment insofar as may be possible," but state officials cannot force them to choose specific jobs.

Gary Paulk, co-owner of a family-owned blackberry farm in South Georgia, expressed irritation with Deal's proposal Tuesday.

"I think it is kind of unfair to say, 'Well, these are farm jobs. Let's put these people out there,' when there are jobs in Atlanta," said Paulk, who said he served as Deal's Irwin County gubernatorial campaign chairman. "Could they be a cook in the Governor's Mansion? That's my point. I get tired of agriculture being the red-headed stepchild."

Still, Paulk said he is open to the idea of having probationers work on his farm. He said his family farm has lost about \$50,000 in blackberries this year because of labor shortages he partly blames on Georgia's new immigration law scaring away his migrant Hispanic workers. The farm is now short between 75 and 100 workers, he said.

"I wouldn't have a problem working those individuals," Paulk said of the probationers. "Scared to use them? No. The logistics of getting them here, et cetera -- that might be a problem."

Farm jobs could help probationers pay for some living expenses, child support and restitution, said Carl Wicklund, executive director of the Lexington, Ky.-based American Probation and Parole Association. But many of these positions are temporary, so they may not be the best way to go for probationers seeking to get back on their feet, avoid becoming repeat offenders and find full-time jobs and benefits, Wicklund said.

"I'm not sure it is necessarily preparing them for a workforce that is requiring more and more technological skills," Wicklund said. "It sounds like a stopgap measure to me, not a long-term solution."

But probationers have been working on farms in Georgia for some time, said Drew Chestnutt, the chief state probation officer for the Tifton Judicial Circuit and the president of the Georgia Probation Association.

"It's a great idea to try to put this into action, and I hope we can be successful with it," he said. "Probationers work on farms all the time, and it is a good source of income this time of year."

Bryan Tolar, president of the Georgia Agribusiness Council, and Jon Huffmaster, legislative director for the Georgia Farm Bureau, indicated they were open to Deal's idea.

"We appreciate the governor investigating these different avenues," Huffmaster said. "If there is something that can be done to help solve this problem, we are not going to throw off any of it."

Farm labor survey results

The Georgia Agriculture Department surveyed farmers about their labor needs over 15 days ending last week. About 230 producers responded to the 11-question survey and reported they need to fill 11,080 jobs this year. The survey results show many farmers have fewer employees compared with last year:

The total number of current farm employees:

Employees/Percent of Producers/Total Producers

1-25/65.2%/152

26-50/13.3%/31

51-75/5.2%/12

76-100/5.6%/13

100+/10.7%/25

The total number of farm employees they had last year:

Employees/Percent of Producers/Total Producers

1-25/43.8%/102

26-50/15%/35

51-75/10.3%/24



76-100/7.7%/18

100+/23.2%/54

Source: Georgia Agriculture Department

Find this article at:

<http://www.ajc.com/news/georgia-politics-elections/state-survey-11-080-976505.html>

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